

### REMARKS/ARGUMENTS

Prior to the entry of this Amendment, claims 1-24 were pending in this application. No claims are amended, no claims are added, and no claims are canceled herein. Therefore, claims 1-24 remain pending. The applicants respectfully request reconsideration of these claims for at least the reasons presented below.

#### **Title**

As per the Examiner's request, Applicants request that the title be changed to "Blocking Cache Flush Requests Until Completing Current Pending Requests In A Local Server and Remote Server" as indicated above.

#### **Specification**

The Office Action has requested a new specification, limited to under 20 pages if possible, and confined to the claimed subject matter. In support of this requirement, the Office Action cites MPEP §1302.01. The applicants respectfully point out that this section of the MPEP, which is directed to allowance and issuance as suggested by its title, begins by stating:

**"When an application is apparently ready for allowance,** it should be reviewed by the examiner to make certain that the whole application meets all formal and substantive (i.e., statutory) requirements and that the language of the claims is enabled by, and finds adequate descriptive support in, the application disclosure as originally filed."

However, since the claims are currently rejected under §102 and §103, the opinion expressed in the Office Actions seems to be that the application is not yet ready for allowance. Thus, the applicants respectfully request that this requirement at least be held in abeyance until the application is otherwise found to be in condition for allowance.

Furthermore, it is noted that the Examiner Note in §1302.01 states that "an example should be given as to the specific sheets or drawing figures and portions of the specification which should be cancelled." Therefore, if the requirement cannot be held in abeyance, or at such time that the application is otherwise in condition for allowance, the applicants respectfully request such specific examples of the "extraneous" material that is "entirely outside the bounds of the claims."

The Office Action, citing MPEP §608.01, has also requested deletion of various hyperlinks within the detailed description. The applicants respectfully points out that MPEP §608.01 does not absolutely bar the use of hyperlinks in the specification. Rather, this section states that:

"where the hyperlinks and/or other forms of browser-executable codes themselves rather than the contents of the site to which the hyperlinks are directed are part of applicant's invention and it is necessary to have them included in the patent application in order to comply with the requirements of 35 U.S.C. 112, first paragraph, and applicant does not intend to have these hyperlinks be active links, examiners should not object to these hyperlinks."

Since various embodiments described in the specification relate to a web service and accessing identity systems and resources via a web service, the applicants submit that the use of hyperlinks is not only necessary but also helpful. Furthermore, these hyperlinks are used only as examples and are not intended to be active links. Therefore, the applicants respectfully request reconsideration and removal of this objection.

### **35 U.S.C. § 102 Rejection, Adams**

The Office Action has rejected claims 1-24 under 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 6,356,996 to Adams et al. (hereinafter "Adams"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 citing *Verdegaal Bros. v.*

*Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant respectfully argues that Adams fails to disclose each and every claimed element. For example, Adams does not disclose, expressly or inherently, responding to requests for remote operations as recited in the pending claims.

Adams is directed to "programmatically controlling the access and duration of stay of selected executables within processor cache." (Col. 1, lines 11-13) More specifically, Adams teaches "a central processing unit (CPU) having an operably associated processor cache." (Col. 5, lines 23-25) "The processor may be programmed to install a full set of virtual machine instructions (VMI) in the cache. The contents of physical memory may then be 'fenced' to keep from displacing the VMI set from cache, thereby eliminating the 'misses' of the individual VMI interpreter instructions by the processor that significantly slows down virtual machines." (Col. 5, lines 27-34) That is, Adams teaches a cache for a processor in which VMI and other instructions to be executed by the processor are stored. The VMI instructions can be made resident in the cache and blocked or "fenced" off from other instructions. However, Adams does not disclose responding to requests for remote operations as recited in the pending claims.

Claim 1, upon which claims 2-10 depend, claim 11, upon which claims 12-17 depend, and claim 18, upon which claims 19-24 depend, each recite in part "a request for a remote operation, wherein said request is issued in a local server in said set of servers" and (a) said local server performing a local operation arising from said request, wherein said step (a) includes the steps of: (1) said local server blocking new requests in response to said request, (2) said local server completing service of requests in progress, and (3) said local server executing said local operation; and (b) a remote server in said set of servers performing said remote operation arising from said request, wherein said step (b) includes the steps of: (1) said remote server blocking all new requests in response to said request, (2) said remote server completing service of requests in progress, and (3) said remote server executing said remote operation."

Adams does not disclose, responding to requests for remote operations. Furthermore, Adams does not disclose a local server performing a local operation arising from said request and a remote server performing said remote operation arising from said request. Further still, Adams does not disclose said local server blocking new requests in response to said request, said local server completing service of requests in progress, and said local server executing said local operation or said remote server blocking all new requests in response to said request, said remote server completing service of requests in progress, and said remote server executing said remote operation. Rather, Adams teaches a cache for a processor in which VMI and other instructions to be executed by the processor are stored. The VMI instructions can be made resident in the cache and blocked or "fenced" off from other instructions. For at least these reasons, claims 1-24 are distinguishable from Adams and should be allowed.

### **35 U.S.C. § 103 Rejection, Adams**

The Office Action has rejected claims 1-24 under 35 U.S.C. § 103(a) as being obvious over Adams. The Applicant respectfully submits that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims, as amended. Therefore, the Applicant requests reconsideration of these claims.

In order to establish a *prima facie* case of obviousness, the Office Action must establish: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine their teachings; 2) a reasonable expectation of success of such a modification or combination; and 3) a teaching or suggestion in the cited prior art of each claimed limitation. See MPEP §706.02(j). However, as discussed in detail above, Adams does not teach or suggest each claimed limitation. For example, Adams does not teach or suggest responding to requests for remote operations as recited in the pending claims. Rather, Adams teaches a cache for a processor in which VMI and other instructions to be executed by the processor are stored. The

VMI instructions can be made resident in the cache and blocked or "fenced" off from other instructions. For at least these reasons, claims 1-24 should be allowed.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



William J. Daley  
Reg. No. 52,471

Date: November 6, 2006

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Tel: 303-571-4000 (Denver)  
Fax: 303-571-4000 (Denver)

WJD/sbm

60857558 v1